

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ***

4 LAUSTEVEION JOHNSON,

5 Plaintiff,

6 v.

7 HIGH DESERT STATE PRISON, *et al.*,

8 Defendants.
9

Case No.: 2:18-cv-01078-JCM-EJY

ORDER

10 Before the Court is Plaintiff Lausteveion Johnson's ("Johnson") Motion for Hearing Before
11 Magistrate Judge (ECF No. 16) on Defendants James Dzurenda, Julio Calderin, Jennifer Nash,
12 Brian Williams, Jeremy Bean, Taylo Paryga, Anthony Ritz, Pamela Del Porto, Harold Wickham,
13 Sheryl Foster, Renee Baker, and Benjamin Estills' Motion for Sanctions; and, Defendants' Motion
14 to Extend Time to Respond to the First Amended Complaint (ECF No. 20).

15 On June 18, 2018, Plaintiff filed a Motion for Leave to Proceed *In Forma Pauperis* (ECF
16 No. 1) and attached a Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 (ECF No. 1-1), while
17 in the custody of the Nevada Department of Corrections ("NDOC"). The Court granted Plaintiff's
18 Application to Proceed *In Forma Pauperis* and issued its Screening Order on June 20, 2019. (ECF
19 No. 7). Defendants filed a Motion to Revoke Plaintiff's Pauper Status (ECF No. 12) and a Motion
20 for Sanctions (ECF No. 13), alleging Plaintiff made "false and misleading representations in his
21 application to proceed *in forma pauperis*" in bad faith. ECF No. 13 at p. 4-5. The instant Motions
22 followed.

23 The Court has considered Plaintiff's Motion for Hearing Before Magistrate Judge on
24 Defendants' Motion for Sanctions. Plaintiff inserted the words "Request for Oral Argument on
25 Defendants' Motion for Sanctions" below the title of the first page of his Motion, and, therefore,
26 is compliant with Local Rules of Practice ("LR") 78-1. *See* LR 78-1 ("Any party making or
27 opposing a motion who believes oral argument may assist the court and wishes to be heard may
28 request a hearing by inserting the words ORAL ARGUMENT REQUESTED below the title of the

1 document on the first page of the motion or response.”). Notwithstanding, Defendants’ Motion
2 for Sanctions, on which the Plaintiff bases his Motion, is still pending before United States District
3 Judge James C. Mahan. Accordingly, the Plaintiff’s Motion for Hearing Before Magistrate Judge
4 is denied without prejudice.

5 The Court has considered Defendants’ Motion to Extend Time to Respond to the First
6 Amended Complaint (ECF No. 20). Further, the Court finds that the Motion is compliant with
7 Federal Rules of Civil Procedure (“Fed. R. Civ. P.”) 6(b)(1)(A) and LR IA 6-1. Therefore, with
8 good cause appearing, Defendants are not required to respond to Plaintiff’s First Amended
9 Complaint until after the Court renders a decision on Defendants’ Motion to Revoke Plaintiff’s
10 Pauper Status and Motion for Sanctions Against Plaintiff.

11 Accordingly,

12 IT IS HEREBY ORDERED that Plaintiff’s Motion for Hearing Before Magistrate Judge
13 regarding Defendants’ Motion for Sanctions (ECF No. 16) be DENIED without prejudice.

14 IT IS FURTHER ORDERED that Defendants’ Motion to Extend Time to Respond to the
15 First Amended Complaint (ECF No. 20) is GRANTED.

16 IT IS FURTHER ORDERED that if Plaintiff’s First Amended Complaint is not dismissed
17 in response to Defendants’ Motion to Revoke Plaintiff’s Pauper Status and Motion for Sanctions
18 Against Plaintiff, Defendants shall file their responsive pleading(s) to the First Amended
19 Complaint within thirty days of (i) the Court denying Defendants’ Motion to Revoke Plaintiff’s
20 Pauper Status, or (ii) Plaintiff paying the filing fees as ordered by the Court.

21
22 DATED THIS 11th day of September, 2019.

23
24 
25 ELAYNA J. YOUCHAH
26 United States Magistrate Judge
27
28